PEBAKER BOTTS LLP.

Attorney Docket No.A34920-PCT-USA-072667.0179 **PATENT**

Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Beclin, Christophe et al.

Serial No.

10/030,289

Examiner:

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January 11, 2002

Group Art Unit:

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For

NOVEL SGS3 PLANT GENE AND USES THEREOF

INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patens, Washington, D.C. 20231

January 31, 2003

Date of Deposit

Alicia A. Russo

Attorney Name

Signature

46,192

PTO Registration No.

January 31, 2003

Date of Signature

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §1.56 and §1.97(c)(2), Applicants respectfully request that the documents relating to the above-identified application listed herein in reverse chronological alphabetical order be considered and made of record in the U.S. Patent and Trademark Office.

- U.S. Patent No. 5,565,346 to Facciotti. on October 15, 1996 1.
- U.S. Patent No. 5,554,798 to Lundquist et al. on September 10, 1996 2.

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U.S. Patent No. 5,538,877 to Lundquist et al. on July 23, 1996 3.



- 4. U.S. Patent No. 5,510,318 to Patel et al. on April 23, 1996
- 5. U.S. Patent No. 5,508,468 to Lundquist et al. on April 16, 1996
- 6. U.S. Patent No. 5,489,520 to Adams *et al.* on February 6, 1996
- 7. U.S. Patent No. 5,484,956 to Lundquist *et al.* on January 16, 1996
- 8. U.S. Patent No. 5,487,744 to Sanford *et al.* on December 26, 1995
- 9. U.S. Patent No. 5,464,763 to Schilperoort et al. on November 7, 1995
- 10. U.S. Patent No. 5,405,765 to Vasil et al. on April 11, 1995
- 11. U.S. Patent No. 5,371,014 to Matsuyama et al. on December 6, 1994
- 12. U.S. Patent No. 5,204,253 to Sanford et al. on April 20, 1993
- 13. U.S. Patent No. 5,187,073 to Goldman et al. on February 16, 1993
- 14. U.S. Patent No. 5,179,022 to Sanford *et al.* on January 12, 1993
- 15. U.S. Patent No. 5,177,010 to Goldman *et al.* on January 5, 1993
- 16. U.S. Patent No. 5,100,792 to Sanford et al. on March 31, 1992
- 17. U.S. Patent No. 5,036,006 to Sanford et al. on July 30, 1991
- 18. U.S. Patent No. 4,945,050 to Sanford *et al.* on July 31, 1990
- 19. U.S. Patent No. 4,536,475 to Anderson. on August 20, 1985
- 20. U.S. Patent No. 4,459,355 to Cello *et al.* on July 10, 1984
- 21. EP 0 672 752 A1 by Saito et al.
- 22. EP 0 604 662 A1 by Hiei et al.
- 23. EP 0 486 234 A2 by Bidney.
- 24. EP 0 486 233 A2 by Bidney.
- 25. EP 0 442 174 A1 by Tomes.
- 26. EP 0 267 159 A2 by Grimsley.
- 27. WO 97/46690 A1 by Drake et al.

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- 28. WO 95/06128 A2 by Dams et al.
- 29. EP 0 674 725 now WO 94/13863 A1 by Scruggs et al.
- 30. EP 0 539 563 now WO 92/20809 A1 by Christou et al.
- 31. WO 91/02071 A2 by Adams et al.
- 32. Buell C.R. et al., Accession No. AQ964581, January 31, 2000.
- 33. Nakamura Y. et al., Accession No. AV566465, June 16, 2000.
- 34. Nakamura Y. et al., Accession No. AV525508, June 15, 2000.
- 35. Mourrain P. et al., Accession No. AF239719, June 7, 2000.
- 36. Nakamura Y., Accession No. AB025633, April 9, 1999.
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- 38. DOE Joint Genome Institute, Accession No. AC009109, August, 4, 1999.
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- Vaucheret H et al., 1998, XP-002149065, "Transgene-induced gene silencing in plants" The Plant Journal 16(6):651-659.
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- 48. Voinnet O *et al.*, 1998, "Systemic Spread of Sequence-Specific Transgene RNA Degradation in Plants Is Initiated by Localized Introduction of Ectopic Promoterless DNA" *Cell* **95**:177-187.
- 49. Schiebel W et al., 1998, "Isolation of an RNA-Directed RNA Polymerase-Specific cDNA Clone from Tomato" www.plantcell.org, The Plant Cell 10:2087-2101.
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- 54. Ratcliff F et al., 1997, "A Similarity Between Viral Defense and Gene Silencing in Plants" www.sciencemag.org, Science 276:1558-1560.
- 55. Kempin SA et al., 1997, "Targeted disruption in Arabidopsis" Nature 389:802-803.
- 56. Voinnet O et al., 1997, "Systemic signalling in gene silencing" Nature 389:553.
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- 58. Angell S *et al.*, 1997, "Consistent gene silencing in transgenic plants expressing a replicating potato virus X RNA" *The EMBO Journal* **16**(12):3675-3684.
- 59. Elmayan T *et al.*, 1996, "Expression of single copies of a strongly expressed 35S transgene can be silenced post-transcriptionally" *The Plant Journal* **9**(6):787-797.
- 60. Lomonossoff G, 1995, "Pathogen-Derived Resistance To Plant Viruses" *Annu. Rev. Phytopathol.* 33:324-43.
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- 62. Panabières F et al., 1995, "Characterization of a Gene Cluster of Phytophthora cryptogea Which Codes for Elicitins, Proteins Inducing a Hypersensitive-Like Response in Tobacco" Molecular Plant-Microbe Interactions 8(6):996-1003.
- 63. Kamoun S et al., 1993, "A Gene Encoding a Host-Specific Elicitor Protein of Phytophthora parasitica" MPMI 6(5):573-581.
- 64. Judelson H et al., 1993, "Expression and antisense inhibition of transgenes in *Phytophthora infestans* is modulated by choice of promoter and position effects" *Gene* 133:63-69.
- 65. Altschul S, 1993, "A Protein Alignment Scoring System Sensitive at All Evolutionary Distances" *J Mol Evol* **36**:290-300.
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- 67. Altschul S *et al.*, 1990, "Basic Local Alignment Search Tool" *J Mol. Biol.* **215**:403-410.
- 68. White J et al., 1990, "A cassette containing the bar gene of Streptomyces hygroscopius: a selectable marker for plant transformation" Nucleic Acids Research 18(4):1062.
- 69. Bevan M et al., 1983, "A chimaeric antibiotic resistance gene as a selectable marker for plant cell transformation" Nature 304:184-187.
- 70. Gritz L et al., 1983, "Plasmid-encoded hygromycin B resistance: the sequence of hygromycin B phosphotransferase gene and its expression in Escherichia coli and Saccharomyces cerevisiae" Gene 25:179-188.

The cited documents are listed in the accompanying PTO 1449 Form. Copies of the documents are submitted herewith in three bound volumes. Document 26 is in German.

Applicants have provided an English abstract of Document 26 obtained from http://ep.espacenet.com. Documents 32-39 and 44 were obtained from http://www.ncbi.nlm.nih.gov.

Identification of the documents listed in the attached PTO 1449 Form is not to be construed as an admission of Applicants or Attorneys for Applicants that such documents are

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available as "prior art" against the above-identified application. Applicants submitted a copy of the International Preliminary Exam Report on January 11, 2002.

Applicants do not believe that a fee is required with this submission since no Office Action has been received. Nevertheless, any required fees not enclosed herewith may be charged to Deposit Account No. 02-4377. Two copies of this pare are enclosed.

Respectfully submitted,

Dated: January 31, 2003

Louis S. Sorell

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Enclosures

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Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office	Atty. Docket No. A34920 PCT-USA 072667.0179	Serial No. 10/030,289
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Applicant Beclin, Christophe et al.	TEO, MAD CELL
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*Exam. Init.	No.			Do	cumen	t No.			Date	Name	Class	Subclass	Filing Date if Appro.
	1.	5	5	6	5	3	4	6	10/15/96	Facciotti	435	172.3	07/27/88
	2.	5	5	5	4	7	9	8	09/10/96	Lundquist et al.	800	205	05/15/95
	3.	5	5	3	8	8	7	7	07/23/96	Lundquist et al.	435	172.3	11/10/92
	4.	5	5	1	0	3	1	8	04/23/96	Patel et al.	504	223	05/25/93
	5.	5	5	0	8	4	6	8	04/16/96	Lundquist et al.	800	205	04/16/96
	6.	5	4	8	9	5	2	0	02/06/96	Adams et al.	435	172.3	04/26/94
	7.	5	4	8	4	9	5	6	01/16/96	Lundquist et al.	800	205	04/11/90
	8.	5	4	7	8	7	4	4	12/26/95	Sanford et al.	435	285.1	08/12/94
	9.	5	4	6	4	7	6	3	11/07/95	Schilperoort et al.	435	172.3	12/23/93
	10.	5	4	0	5	7	6	5	04/11/95	Vasil et al.	435	172.3	08/21/92
	11.	5	3	7	1	0	1	4	12/06/94	Matsuyama et al.	435	280	10/22/93
	12.	5	2	0	4	2	5	3	04/20/93	Sanford et al.	435	172.3	05/29/90
	13.	5	1	8	7	0	7	3	02/16/93	Goldman et al.	435	172.3	11/13/89

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^{*} Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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*Exam. Init.	No.		Document No.						Date	Date Name	Class	Subclass	Filing Date if Appro.
	14.	5	1	7	9	0	2	2	01/12/93	Sanford et al.	435	287	02/11/92
	15.	5	1	7	7	0	1	0	01/05/93	Goldman et al.	435	172.3	09/05/90
	16.	5	1	0	0	7	9	2	03/31/92	Sanford et al.	435	172.1	01/24/89
	17.	5	0	3	6	0	0	6	07/30/91	Sanford et al.	435	170.1	08/17/89
	18.	4	9	4	5	0	5	0	07/31/90	Sanford et al.	435	172.1	11/13/84
	19.	4	5	3	6	4	7	5	08/20/85	Anderson	435	172.3	10/05/82
	20.	4	4	5	9	3	5	5	07/10/84	Cello et al.	435	172.3	07/12/82

	FORE	IGN PATENT DO	CUMENTS			
No.	Document No.	Date	Country	Class	Subclass	Translation Yes No
21.	EP 0 672 752 A1	20.09.95	Europe	C12N	15/00	Yes
22.	EP 0 604 662 A1	06.07.94	Europe	A01H	1/00	Yes
23.	EP 0 486 234 A2	20.05.92	Europe	C12N	15/82	Yes
24.	EP 0 486 233 A2	20.05.92	Europe	C12N	15/82	Yes
25.	EP 0 442 174 A1	21.08.91	Europe	C12N	15/82	Yes

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26.	EP 0 267 159 A2	11.05.88	Europe	C12N	15/00	No
27.	WO 97/46690	11.12.97	International	C12N	15/67	Yes
28.	WO 95/06128	02.03.95	International	C12N	15/82	Yes
29.	WO 95/13863	23.06.94	International	C25D	3/56	Yes
30.	WO 92/20809	26.11.92	International	C12N	15/89	Yes
31.	WO 91/02071	21.02.91	International	C12N	15/82	Yes

No.	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
32.	Buell C.R. et al., Accession No. AQ964581, January 31, 2000.
33.	Nakamura Y. et al., Accession No. AV566465, June 16, 2000.
34.	Nakamura Y. et al., Accession No. AV525508, June 15, 2000.
35.	Mourrain P. et al., Accession No. AF239719, June 7, 2000.
36.	Nakamura Y., Accession No. AB025633, April 9, 1999.
37.	Genoscope, Accession No. AL084227, June 28, 1999.
38.	DOE Joint Genome Institute, Accession No. AC009109, August, 4, 1999.

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39.	Chen J. et al., Accession No. AI999551, September 9, 1999.
40.	Wassenegger M et al., 1998, "A model for RNA-mediated gene silencing in higher plants" Plant Molecular Biology 37:349-362.
41.	Aranda M et al., 1998, "Virus-Induced Host Gene Shutoff in Animals and Plants" Virology 243:261-267, Article No. VY989032.
42.	Fire A et al., 1998, "Potent and specific genetic interference by double-stranded RNA in Caenorhabditis elegans" <i>Nature</i> 391 :806-811.
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51.	Jones C et al., 1998, "The effect of chimeric transgene architecture on co-ordinated gene silencing" Planta 204:499-505.		
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62.	Panabières F et al., 1995, "Characterization of a Gene Cluster of Phytophthora cryptogea Which Codes for Elicitins, Proteins Inducing a Hypersensitive-Like Response in Tobacco" Molecular Plant-Microbe Interactions 8(6):996-1003.			
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69.	Bevan M <i>et al.</i> , 1983, "A chimaeric antibiotic resistance gene as a selectable marker for plant cell transformation" <i>Nature</i> 304 :184-187.			
70.	Gritz L et al., 1983, "Plasmid-encoded hygromycin B resistance: the sequence of hygromycin B phosphotransferase gene and its expression in <i>Escherichia coli</i> and <i>Saccharomyces cerevisiae</i> " Gene 25:179-188.			

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